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Secretariat

6 May 2005

Administrative instruction

Sick leave

The Under-Secretary-General for Management, pursuant to section 4.2 of the Secretary-General's bulletin ST/SGB/1997/1 and for the purpose of implementing staff rules 106.2, 206.3 and 306.2 and General Assembly resolution 59/268 of 23 December 2004, hereby promulgates the following:

Section 1
General

1.1 Sick leave may be granted under staff rules 106.2, 206.3 and 306.2 in accordance with the provisions of the present instruction. However, sick leave for staff members on an appointment of limited duration under the 300 series of the Staff Rules shall be governed by the relevant provisions of the administrative instruction governing appointments of limited duration.

1.2 All sick leave must be supported by a certificate or report from a medical practitioner licensed to practise where the certificate or report is issued, except when uncertified sick leave is permitted under conditions set out in staff rules 106.2 (c), 206.3 (c) and 306.2 (iii).

Section 2
Certification of sick leave

2.1 Unless uncertified sick leave is allowed under section 1.2 above, a staff member who is unable to perform his or her duties by reason of illness or injury must submit a medical certificate or a medical report, as provided in sections 2.2 and 2.3 below, no later than the tenth working day following the initial absence from duty.

2.2 A total of up to 10 working days taken cumulatively or consecutively during a twelve-month period may be approved as certified sick leave by the executive or local personnel office upon submission by the staff member of a certificate from a licensed medical practitioner indicating the date or dates of absence from duty by reason of illness, injury or incapacitation, without identification of diagnosis, or upon submission by the staff member of form MS.40, duly completed and signed by the attending physician.

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2.3 After 10 working days of sick leave have been certified in accordance with section 2.2, certification of further sick leave by the Medical Director or designated medical officer shall be required. For that purpose, the staff member shall submit to the executive officer or other appropriate official, in a sealed envelope, a detailed medical report from a licensed medical practitioner.

2.4 However, no medical report need be submitted under section 2.3 above in the following cases:

(a) The period of absence owing to illness or injury has already been certified by the Medical Director or designated medical officer on the basis of a "sent home" slip;

(b) The staff member claims sick leave for half a day owing to a visit to a licensed medical practitioner, in which case certified sick leave may be approved by the executive officer or other appropriate official on submission of a medical certificate indicating that the staff member consulted the doctor or dentist.

2.5 If no certificate or report is submitted as required by sections 2.1 to 2.4 above or if the sick leave is not certified by the Medical Director or designated medical officer, absence shall be treated as follows for administrative purposes:

(a) For staff appointed under the 100 and 200 series of the Staff Rules, the absence shall be treated as unauthorized absence in accordance with staff rules 105.1 (b) (ii) and 205.1 (d). However, if the staff member belatedly submits the required medical certificate or report and establishes to the Secretary-General's satisfaction that the late submission was attributable to circumstances beyond his or her control, the absence may be charged to sick leave upon certification by the Medical Director or designated medical officer;

(b) For staff appointed under the 300 series of the Staff Rules, the period of uncertified absence shall be treated as special leave without pay in accordance with staff rule 306.2 (iii).

Section 3
Relationship of sick leave to other entitlements under the 100 and 200 series

Exhaustion of sick leave entitlement

3.1 When the entitlement to sick leave has been exhausted, further certified sick leave shall be charged to annual leave. When the entitlements to sick leave and annual leave have been exhausted, the staff member shall be placed on special leave without pay.

3.2 When a staff member has used all of his or her entitlement to sick leave with full pay, the executive or local personnel office shall bring the situation to the attention of the Medical Director or designated medical officer in order to determine whether that staff member should be considered for a disability benefit under article 33 (a) of the Regulations of the United Nations Joint Staff Pension Fund while the staff member is on sick leave with half pay. When the staff member is being considered for such a benefit and paid leave entitlements have been exhausted because of a delay in the medical determination of the staff member's incapacity for further service or in the decision by the United Nations Staff Pension Committee

whether to award a disability benefit, the staff member shall be placed on special leave with half pay until the date of such decision.

Combination of sick leave on half pay with annual leave or half-time duty

3.3 Each day of sick leave at half pay may be combined with one-half day's annual leave, provided the staff member previously agrees to such arrangement. In such case, both a whole day's sick leave on half pay and a half-day's annual leave shall be charged for each working day involved.

3.4 When a staff member returns to duty on a half-time basis, he or she may be paid for the other half working day on the basis of a whole day's sick leave at half pay, provided the staff member has previously agreed to such an arrangement. In such case, both the half-day worked and the whole day's sick leave at half pay shall be charged for each working day involved.

3.5 Other combinations may be made, if requested by the staff member, provided that the interests of the staff member are duly taken into account and that such arrangements are consistent with the Staff Regulations and Rules.

Accrual of annual leave during sick leave

3.6 In accordance with staff rules 105.1 (a) and 205.1 (a), a staff member shall accrue annual leave:

(a) While on sick leave with full-pay status;

(b) While absent from work under an agreed arrangement whereby a half-day of annual leave is combined with a full day of sick leave at half pay;

(c) While absent from work under an agreed arrangement whereby half-time duty is combined with a full day of sick leave at half pay.

Effect of sick leave on entitlements other than annual leave

3.7 Periods of sick leave, whether on full or half pay, shall not affect the accrual of service credits towards salary increment, home leave, termination indemnity and repatriation grant. Staff members who are on sick leave with half pay after exhausting their sick leave on full pay and who cannot be maintained on full-pay status through a combination of sick leave on half pay with accrued annual leave or half-time duty, shall receive:

(a) Half their base salary and post adjustment, where applicable;

(b) The full amount of the following allowances and benefits: dependency allowance, language allowance, education grant, mobility and hardship allowance, rental subsidy and non-resident's allowance and health insurance subsidy, as applicable. Individual allowances and benefits linked to the performance of functions under defined circumstances, as is the case for special post allowance, salary differential or night differential, shall not be payable.

Sick leave within a period of annual leave

3.8 If sick leave for a period of more than five consecutive working days is requested within a period of annual leave under staff rule 106.2 (e) and the sick leave involves an extension of the period of absence from work, the executive

officer or other appropriate official must be informed before the approved period expires, where practicable with the submission of a medical certificate or report, as appropriate. The executive officer or other appropriate official shall inform the Medical Director or designated medical officer of the situation. The request for approval of sick leave during annual leave must be submitted together with the requisite medical certificate or report, immediately upon return to duty.

Extension of fixed-term appointments for utilization of sick leave entitlement

3.9 When a staff member on a fixed-term appointment is incapacitated for service by reason of an illness that continues beyond the date of expiration of the appointment, he or she shall be granted an extension of the appointment, after consultation with the Medical Director or designated medical officer, for the continuous period of certified illness up to the maximum entitlement to sick leave at full pay and half pay under staff rules 106.2 or 206.3.

3.10 When a staff member's fixed-term appointment is extended solely to enable him or her to utilize his or her sick leave entitlement, such extension shall not give rise to any further entitlement to salary increment, annual leave, sick leave, maternity leave, paternity leave or home leave, although credit towards repatriation grant may continue to accrue if the staff member has not returned to his or her home country. Sick leave on half pay during the period of extension may not be supplemented by annual leave. In the event of death during the period of extension, the period prior to the death may be taken into account in the determination of the death benefit provided in staff rules 109.10 (a) (vi) or 209.11 (a) (v).

Section 4
Final provisions

The present administrative instruction shall enter into force on 16 May 2005.

(*Signed*) Andrew **Toh**
Officer-in-Charge
Department of Management